

Carol A. Smith (In Pro Se)
 14341 SW Teal Blvd 77B
 Beaverton, Oregon 97008
 PH: (503) 317-0006
 Email: adriannes7@yahoo.com

FILED 4 AUG '17 13:09 USDC-ORP

**UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON**

<p>CAROL ADRIANNE SMITH Plaintiff, v. PORTLAND COMMUNITY COLLEGE (PCC) Defendant.</p>	<p>Case No.17-CV-01069-PK Honorable Judge Papak VOLUNTARY DISMISSAL REQUEST WITHOUT PREJUDICE PURSUANT TO Federal Rules of Civil Procedure 41(1)(A)(i) Federal Rules of Civil Procedure 42(a)(2) Date: August 3, 2017</p>
--	---

Petitioner, Carol A. SMITH, In Pro Se, presents as follows:

**PLAINTIFF SMITH'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT
 PREJUDICE**

Pursuant to Federal Rules of Civil Procedure 41(1)(A)(i)

Rule 41 – Dismissal of Actions

(a) Voluntary Dismissal without Prejudice.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment

Plaintiff SMITH hereby respectfully gives notice pursuant to Federal Rules of Civil Procedure (F.R.C.P) 41(1)(A)(i) of a voluntarily dismissal without prejudice against the defendants. The defendants, at Portland Community College have not been served by Plaintiff SMITH in any

1 capacity regarding Case No.17-CV-01069 through the the United States Marshal or by anyone
2 else.

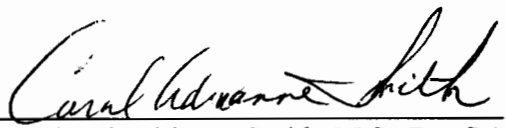
3
4 Specifically, F.R.C.P. 41(a)(1)(A)(i) sets out that a Plaintiff may voluntarily dismiss its claims
5 without prejudice and without a Court Order by notice at any time prior to the Defendants filing
6 an answer or moving for summary judgment. As of the filing of this Notice, no Defendant has
7 filed an Answer in this action, nor has any defendant been served by Plaintiff SMITH.

8 Alternatively, Plaintiff requests voluntary dismissal without prejudice pursuant to Rule 42(a)(2)
9 of the Federal Rules of Civil Procedure. Rule 42(a)(2) permits voluntary dismissal without
10 prejudice "by court order, on terms that the court considers proper." Voluntary dismissal without
11 prejudice pursuant to Rule 42(a)(2) "should be granted unless a defendant would suffer clear
12 legal prejudice, other than the prospect of a subsequent lawsuit as a result." See U.S. v.Maloney,
13 2007 WL 1424228, *2 (S.Dist.Fla. 2007)(Marra, J.)(quoting Ponteberg v. Boston Scientific
14 Corp., 252 F.3d 1253, 1255 (11th Cir. 2001)).

15
16 Granting the Plaintiff's request for voluntary dismissal will not cause any prejudice to the
17 Defendants. Therefore, voluntary dismissal without prejudice is justified in this action.

18
19 Dated: August 3, 2017

20 Respectfully submitted,

21
22 
23 By: Carol Adrianne Smith, M.S. (Pro Se)

24 14341 SW Teal Blvd 77B
25 Beaverton, OR 97008
26 503-317-0006
27
28